

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

WESLEY TURK,	)	
	)	
Movant,	)	
	)	
v.	)	No. 4:18-cv-01657-AGF
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on a document filed by movant Wesley Turk that has been construed as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. For the reasons discussed below, the Court will direct the Clerk of Court to mail movant a copy of the Court's 28 U.S.C. § 2255 form, as requested by movant. The Court will also give movant thirty days from the date of this order to file his motion in this case.

**Discussion**

On September 27, 2018, movant filed a document with the Court requesting that the Court appoint him an attorney to file a motion based on the United States Supreme Court case of *Sessions v. Dimaya*, 138 S.Ct. 1204 (2018). Alternatively, movant requested that he be sent the paperwork so that he could file a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 himself. Movant also asked that he be sent a copy of his docket sheet, a form to file a civil rights complaint pursuant to 42 U.S.C. § 1983, a form to file a motion to proceed in forma pauperis, and a form to file a motion to request the appointment of an attorney.

The Clerk of Court will be directed to send to movant a copy of the Court's 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence form. Movant will be given thirty days in

which to file his motion on the Court-provided form in the present action. Failure to file the motion will result in the dismissal of this action without prejudice.

The Clerk of Court will also be directed to send to movant a copy of the Court's prisoner civil rights complaint form and a copy of the Court's motion to proceed in forma pauperis form. If movant decides to file an action pursuant to 42 U.S.C. § 1983, he must file the action as a **separate** case.

Finally, the Clerk of Court will be directed to send movant a copy of his docket sheet and a copy of the Court's motion for appointment of counsel form.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk of Court shall send to movant a copy of the Court's 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence form.

**IT IS FURTHER ORDERED** that movant shall have **thirty (30) days** from the date of this order in which to file his motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Failure to file the motion on the Court-provided form will result in the dismissal of this action without prejudice.

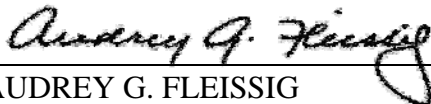
**IT IS FURTHER ORDERED** that the Clerk of Court shall send to movant a copy of the Court's prisoner civil rights complaint form.

**IT IS FURTHER ORDERED** that the Clerk of Court shall send to movant a copy of the Court's motion to proceed in forma pauperis – prisoner cases form.

**IT IS FURTHER ORDERED** that the Clerk of Court shall send to movant a copy of the Court's motion for appointment of counsel form.

**IT IS FURTHER ORDERED** that the Clerk of Court shall send to movant a copy of his docket sheet.

Dated this 2nd day of January, 2019.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE